

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-343

Barbara Monopoli,	)
Appellant,	)
	)
v.	)
	)
Town of Sudbury and Ken Surrence,	)
Appellees	)
	)

**BOARD'S RULING ON APPEAL**

**Procedural History**

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant asks the Board to order the Town of Sudbury Building Commissioner to require that a structural engineer address the existing structural issues concerning a dormer constructed above a condominium located at Ocean Spray Condominiums, 153 Atlantic Avenue, unit #6, Salisbury, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on December 19, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the Appellant was Thomas K. MacMillan, Esq. and Edward M. Sabbagh, P.E. Present and representing Ocean Spray Condominiums was Christian H. Pedersen, Esq. Present and representing the Town of Sudbury Building Department was Building Commissioner, Ken Surrence. There was no representative present from the Town of Sudbury Fire Department.

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<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

**Discussion**


A motion was made to deny the Appellant's appeal. The owners of units #5 and 6 shall cooperate with the building inspector, contractor and design engineer to allow the work in the dormer area of unit #6, as described in Brian Gore's report, to be completed. Brian Gore shall also be given the opportunity, if necessary, to have access to units #5 and 6 to inspect the work. Motion carried 3-0.

**Conclusion**

The Appellant's appeal is **DENIED**.

**SO ORDERED.**

  
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**HARRY SMITH**

  
\_\_\_\_\_  
**ALEXANDER MACLEOD**

  
\_\_\_\_\_  
**KEITH HOYLE**

DATED: January 22, 2007

*\* In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*